



**OFFICE OF THE GOVERNOR HAGÅTÑA,  
GUAM 96910  
U.S.A.**

**EXECUTIVE ORDER NO. 2017-03**

**RELATIVE TO DECLARING AN EMERGENCY RELATIVE TO  
RESPONDING TO THE SCRAPYARD FIRE AT HARMON INDUSTRIAL  
PARK**

**WHEREAS**, on the afternoon of May 13, 2017, a major fire broke out in Harmon Industrial Park; and

**WHEREAS**, the origin and base of the fire is located in a scrapyard beneath tons of mixed metals and debris stacked over 20 feet high and covering an area of approximately 40 feet by 80 feet in size; and

**WHEREAS**, the base of the fire is completely surrounded by the tons of metal and debris that creates an extremely dangerous situation that prevents emergency responders from reaching the base; and

**WHEREAS**, it has now been over 15 hours since the Guam Fire Department and other emergency responders began fighting the fire, and more than 80,000 gallons of water have been expended with little to no effect; and

**WHEREAS**, unless an excavator and other heavy equipment is procured to assist in negotiating an access to the fire's base, it is expected that it could take at least another 24 hours or more to mitigate the situation; and



**WHEREAS**, in the meantime, the fire is emitting toxic gases and smoke which can only be expected to increase as the fire continues to burn; and **WHEREAS**, the location of the Harmon Industrial Park and the fire is relatively near to heavily populated business and residential areas which could be easily smothered and overcome by the toxic gases, especially if the wind changes; and

**WHEREAS**, the fire and the toxic gases and smoke are creating conditions of extreme peril to the health, safety, and welfare of property and persons, including civilians and emergency responders such that a critical emergency condition exists and defensive action needs to be taken immediately.

**NOW, THEREFORE, I, RAY TENORIO**, Acting Governor of Guam, by the authority vested in me by the Organic Act and laws of Guam, do hereby order and direct as follows:

1. **Declaration of State of Emergency.** A state of emergency is hereby declared for the island of Guam as a result of the fire that broke out in the Harmon Industrial Park on May 13, 2017.
2. **Emergency Procurement and Emergency Expenses.** Pursuant to §5215 of Title 5, Guam Code Annotated, authorizing emergency procurement upon executive order, and § 22402 of Title 5, Guam Code Annotated, this Executive Order shall authorize emergency procurement for the Guam Fire Department (GFD), the Department of Public Works (DPW), and the Guam Homeland Security Office/Office of Civil Defense (GHS/OCD) to be exercised and resorted to by the Fire Chief, the DPW Director, the GHS/OCD Administrator, or their respective designees for all costs and expenses related to, or resulting and arising from, action necessary to the control and mitigation of the fire, including any heavy equipment rental, debris removal, purchase of supplies, materials,



goods, services or other expenditures up to a combined total maximum of Two Hundred Fifty Thousand Dollars (\$250,000.00).

3. **Authorization for Overtime.** Authorization is given for the payment of overtime, both for exempt and non-exempt employees, to work in excess of forty (40) hours a week in order to control and mitigate the fire. The Fire Chief, the DPW Director and the GHS/OCD Administrator are authorized to determine the eligibility of overtime expenditures resulting from work performed by their respective agencies, and the approval of the Fire Chief and DPW Director shall be obtained prior to incurring any overtime or other expenses. The failure to obtain such prior approval shall be grounds for denying reimbursement.
4. **Documentation of Expenses.** All departments and agencies affected are hereby instructed to keep appropriate documentation on all emergency expenses authorized by this Executive Order for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and in anticipation of review and approval by the federal government if required. This emergency procurement is not being used solely for the purpose of avoidance of the provisions of the Guam Procurement Law, 5 Guam Code Annotated Chapter 5.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this 14<sup>th</sup> day of May, 2017.



A blue ink signature of Ray Tenorio, written in a cursive style.

**RAY TENORIO**

*I Maga'Låhen Guåhan Para Pago*  
Acting Governor of Guam